

ARKANSAS SENATE
95th General Assembly - Regular Session, 2025
Amendment Form

Subtitle of Senate Bill 290

TO PROHIBIT A MORATORIUM ON THE ISSUANCE OF PERMITS IN WATERSHEDS AND
OTHER BODIES OF WATER.

Amendment No. 1 to Senate Bill 290

Amend Senate Bill 290 as originally introduced:

Delete everything after the enacting clause, and substitute the following:

"SECTION 1. Arkansas Code § 10-3-309(f), concerning authorization for a committee or subcommittee to vote to not approve a rule under the section, is amended to add an additional subdivision to read as follows:

(5) A committee or subcommittee under this section considering a rule to institute a moratorium in a watershed or other body of water under § 15-23-107 is not required to state the grounds under subdivision (f)(1) of this section when not approving a rule.

SECTION 2. Arkansas Code Title 15, Chapter 23, Subchapter 1, is amended to add an additional section to read as follows:

15-23-107. Prohibition on moratorium in watersheds and other bodies of water – Definition.

(a) As used in this section, "moratorium" means a prohibition on the issuance of permits or any other limitation on agricultural production, including without limitation, livestock and poultry operations, contained animal feeding operations, and the cultivation of crops and orchards.

(b) Except as provided in subsection (c) of this section, a state agency, including without limitation the Department of Agriculture and the Department of Energy and Environment, shall not institute a moratorium on the issuance of permits in a watershed or other body of water.

(c)(1) In order for a state agency to institute a moratorium related



to a watershed or other body of water, the state agency shall:

(A) Promulgate a rule to institute the moratorium;

(B)(i) Follow the procedure under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(ii) If the Arkansas Administrative Procedure Act, § 25-15-201 et seq., does not apply to the state agency, the state agency shall follow the law governing the adequate administrative procedures for the state agency; and

(C) Obtain review and approval of the state agency rule under § 10-3-309.

(2)(A) A moratorium reviewed and approved under subdivision (c)(1) of this section shall expire four (4) years after the effective date of the rule.

(B) A state agency that wishes to continue a moratorium shall submit the moratorium to the Legislative Council for review and approval sufficiently in advance of the expiration date described under subdivision (c)(2)(A) of this section to continue the moratorium.

(C) If the state agency fails to submit a moratorium to the Legislative Council for review and approval prior to the expiration date or if the Legislative Council does not approve the moratorium, the moratorium shall expire at the expiration date.

(d) This section does not prohibit a state agency from seeking review and approval for a proposed emergency rule under § 10-3-309 and § 25-15-204 to impose a moratorium to protect the public from imminent peril to the public health, safety, or welfare or compliance with a federal law or regulation.

(e) If a state agency does not have statutory authority to impose a moratorium, this section does not create the authority for a moratorium.

SECTION 3. DO NOT CODIFY. Existing moratoriums.

(a) A moratorium related to a watershed or other body of water instituted before the effective date of this act shall go through the rule review and approval process required under § 15-23-107(c) within ninety (90) days of the effective date of this act to remain enforceable.

(b) If a state agency does not submit the moratorium for review and approval as required by subsection (a) of this section, the moratorium

related to a watershed or other body of water instituted before the effective date of this act shall expire immediately.

(c) If a moratorium related to a watershed or other body of water instituted before the effective date of this act is not approved under § 15-23-107(c), the moratorium shall expire immediately.

SECTION 4. DO NOT CODIFY. Effective date.

This act shall be effective on and after January 1, 2026."

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator B. Johnson

CRH/CRH - 03-26-2025 11:10:47

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Secretary